

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABILITY INSURANCE COMPANY, Plaintiff, v. ST PAPER, LLC, Defendant.	Case No. 1:20-cv-03851-GBD
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THIRD DECLARATION OF JONATHAN T. SMIES

I, Jonathan T. Smies, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am one of the attorneys representing the Defendant ST Paper, LLC (“ST Paper”) in this matter. I make this declaration based on my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of a pleading entitled “Defendant and Third-Party Plaintiff ST Paper, LLC’s Memorandum of Law in Support of its Motion for Summary Judgment” filed on March 16, 2020 by ST Paper in the case of *Oconto Falls Tissue, Inc. v. ST Paper, LLC et al.*, Case No. 17 CV 104 (Wis. Cir. Ct., Oconto Cty.).

3. Attached hereto as **Exhibit B** is a true and correct copy of a pleading entitled “Defendant and Third-Party Plaintiff ST Paper, LLC’s Reply Memorandum of Law in Support of its Motion for Summary Judgment” filed on April 19, 2021 by ST Paper in the case of *Oconto Falls Tissue, Inc. v. ST Paper, LLC et al.*, Case No. 17 CV 104 (Wis. Cir. Ct., Oconto Cty.).

Dated this 24th day of September, 2021.

/s/ Jonathan T. Smies
Jonathan T. Smies